

MANUAL OF CARB HOLDINGS (PTY) LTD.

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000

Introduction

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 ("the Act") became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

The Act also gives persons the right of access to information that is required for the exercise or protection of any rights. In order for access to information to be granted, certain requirements have to be met.

This document serves as the CARB Holdings (Pty) Ltd. ("CARB") information manual and provides a reference to the records held by CARB and the process to request access to such records.

Scope of the manual

The scope of this manual includes the CARB and the following entities in which CARB has a direct interest: Mukuru Africa (Pty) Ltd., Mukuru Financial Services (Pty) Ltd., and Mukuru Shared Services (Pty) Ltd.

Availability of the manual

A copy of this manual is available to the public for inspection on the Mukuru website at <https://www.mukuru.com/sa/manual-of-carb-holdings-pty-ltd/> or on request from the designated contact person referred to in this manual.

Section 51(1)(a)

Contact details

The responsibility for the administration of, and compliance with the Act, has been delegated by the Chief Executive Officer (CEO) of CARB to the Data Protection Officer. A request pursuant to the provisions of the Act should be directed as follows:

Contact Person:	Rob Jones
Postal address:	Unit 101, Building 20 Waverley Business Park, Wycroft Road, Cape Town, Western Cape, 7925, South Africa
Physical Address:	Unit 101, Building 20 Waverley Business Park, Wycroft Road, Cape Town, Western Cape, 7925, South Africa
Phone number:	+27 (0)86 001 8555
E-mail:	rob.jones@mukuru.com

Section 51(1)(b)

Guide for requesters on how to use the Act

Should you require greater clarity on or assistance with the Act, we refer you to the Guide that has been published by the Human Rights Commission in terms of section 10 of the Act. It includes:

- what the objects of this Act are
- the relevant contact details of each public and private body (where possible)
- the process that needs to be followed in order to request access to records
- assistance available from the “SAHRC” and information officers of public bodies
- how to get access to the manual of a private body
- all the remedies available in law to you
- details on prescribed fees payable in respect of requests for information.

The Guide has been printed in each official language in the *Government Gazette* and is available for inspection by the public at the offices of the Human Rights Commission since August 2003.

Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit
Braampark Forum 3
33 Hoofd Street
Braamfontein

Website: <http://www.sahrc.org.za>

Kindly direct any queries to:

Phone number: +27 (11) 877 3608
Fax number: +27 (11) 484 0582
E-mail: PAIA@sahrc.org.za
svanderberg@sahrc.org.za
tsebulela@sahrc.org.za
Website: <http://www.sahrc.org.za>

Section 51(1)(c)

Automatic Disclosure

Records automatically available to the public

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

Legislative records

Section 51(1)(d).

Records held in accordance with other legislation

Records are held in accordance with the following legislation:

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, No 53 of 2003
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Competition Act, No. 89 of 1998
- Constitution of South Africa Act, No. 108 of 1996
- Copyright Act, No. 98 of 1987
- Collective Investment Schemes Control Act, No. 45 of 2002
- Deeds Registries Act, No. 47 of 1937
- Electronic Communications and Transactions Act, No. 2 of 2000
- Employment Equity Act, No. 55 of 1998
- Environment Conservation Act, No. 73 of 1989
- Firearms Control Act, No. 60 of 2000
- Financial Advisory and Intermediary Services Act, No. 37 of 2002
- Financial Intelligence Centre Act, No. 38 of 2001
- Formalities in respect of Leases of Land Act, No.18 of 1969 Income Tax Act, No. 58 of 1962
- Labour Relations Act, No. 77 of 1995
- Long Term Insurance Act, No. 52 of 1998
- National Building Regulations and Building Standards Act, No. 103 of 1997
- National Road Traffic Act, No. 93 of 1996
- Occupational Health and Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000
- Protected Disclosures Act, No. 26 of 2000
- Patents Act, No. 57 of 1987
- Regulation of Interception of Communications and Provisions of Communication related Information Act, No. 70 of 2002
- Sales and Service Matters Act, No. 25 of 1964
- Skills Development Act, No. 97 of 1997
- Skills Development Levy Act, No. 9 of 1999
- Short Term Insurance Act, No.53 of 1998
- Securities Services Act, No. 36 of 2004
- South African Reserve Bank Act, No. 90 of 1989
- Tobacco Products Control Act, no. 12 of 1999
- Trade Marks Act, No. 194 of 1993
- Transfer Duty Act, No. 40 of 1949
- Unemployment Insurance Act, No. 63 of 2001
- Value-added Tax Act, No. 89 of 1991

Records Held

Section 51(1)(e)

Records subject and categories

A. Client Records

CARB comprises of a number of service lines which can be viewed on the Mukuru website <https://www.mukuru.com/sa/legal/paia-manuals/> the following categories of records are held by CARB in respect of clients:

- Client Correspondence
- Client Contracts

- Control Reports
- Client Statutory and Tax records
- Client Business Information
- Investigative Material
- Legal Documentation
- Licenses

B. Corporate Governance

- Meeting Minutes
- Executive Committee Meeting Minutes
- Enterprise-Wide Risk Management Records

C. All other Records held

Legal

- *All Agreements across all departments*
- *Litigation and other claims*
- *Patents and Trade Mark Documents*
- *Insurance documents*

Finance and Administration

- Accounting Records
- Annual Financial Statements (which includes audit reports)
- Correspondence (proof of payments)
- Invoices and statements
- Management Reports
- Tax Records and Returns (including VAT returns)
- SARB Returns Statistics SA Returns
- Stats SA returns
- Consolidated annual financial statements of Remitix Holdings (Mauritius) Limited can be requested from cossec@mukuru.com as well as by completing Form 2 - Request for Access to Record.

Human Resources

- Accounting and Payroll Records
- BEE Statistics
- Career Development Records
- Personnel Information
- Employment Equity Reports
- General Terms of Employment
- Letter of Employment
- Leave Records
- PAYE Records and Returns
- Performance Management Records
- Policies and Procedures
- Return to UIF
- Retirement Benefit and Medical Aid Record

Information Management and Technology

- Equipment Register
- Information Policies, Standards, Procedures and Guidelines
- Software register

Learning and Education

- Training Material
- Training Records and Statistics
- Training Agreements

Marketing and Communication

- Proposal Documents
- Brand Information Management
- Marketing Strategies
- Communication Strategies
- Marketing Brochures

Operations

- Access Control Records
- Archival Administration Documentation
- Communication Strategies
- General Correspondence
- Office Telephone Management Information
- Travel Documentation
- Vehicle Registration Documents

Secretarial Services

- Applicable statutory documents such as but not limited to certificates of incorporation and certificates to commence business
- Annual Reports
- Corporate Structure Diagrams
- Memoranda and Articles of Association
- Share Registers
- Statutory Returns to Relevant Authorities
- Share Certificates
- Shareholder Agreements
- Meeting Minutes

Access requests

Section 51(1)(e)

Access Request Procedure

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 chapter 4 of the Act.

Completion of the Access Request Form

In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form must be completed <https://www.mukuru.com/sa/legal/paia-manuals/>.
- Proof of Identity is required to authenticate the identity of the requester. Therefore, in addition to the access form, requestors will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS in answer to every question.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question state “nil” in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, write the applicable title followed by each answer.

Submission of Access Request Form

The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail, e-mail or fax (fax only if requested by the contact person as indicated above) and must be addressed to the contact person as indicated above. An initial request fee of R57.50 (incl. VAT) is payable on submission of the Access Request Form. This fee is however not applicable to Personal Requesters, referring to any person seeking access to records that contain their own personal information.

Payment of Fees

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied. The access fee must be paid prior to access being given to the requested record. If the request for access is successful an access fee may be required for the search, reproduction and/ or preparation of the record(s) and will be calculated based on the prescribed fees set out in the Act. If a deposit has been paid in respect of a request for access, and the request is refused, then the information officer concerned must repay the deposit to the requester.

Section 51(1)(e)

Access Request Procedure

Notification

CARB will within 30 calendar days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 calendar day period within which CARB has to decide whether to grant or refuse the request, may be extended for a further

period of not more than 30 calendar days if the request is for a large volume of information, or the request requires a search for information held at another office of CARB and the information cannot reasonably be obtained within the original 30 calendar day period. CARB will notify the requester in writing should an extension be required.

Chapter 4

Grounds for refusal of access to records

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party.
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - Information disclosed in confidence by a third party to CARB if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of record which could be regarded as privileged in legal proceedings.
- The Commercial Activities of CARB which may include, but is not limited to:
 - Trade secrets of CARB
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of CARB.

Reproduction Fees:

Where CARB has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for the reproduction of the record in question.

Information relating to personal records of the person requesting the information would not be subject to a charge.

The applicable fees for reproduction of information requested as referred to above, excluding VAT:

Description	Amount
For every photocopy of an A4 size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on: • Compact disc or flash drive	R70.00
For a transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00

For a copy of an audio record	R30.00
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Access Fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

The applicable access fees which will be payable, excluding VAT, are:

Description	Amount
For every photocopy of an A4 size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on: • Compact disc or flash drive	R70.00
For a transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00
To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00

Deposits:

Where CARB Holdings has received a request for access to information other than personal information and the Data Protection Officer, upon receipt of the request, is of the opinion that the preparation of the required records for disclosure will take more than 6 hours, a deposit is payable by the requester.

The amount of the deposit is equal to one-third of the amount of the applicable access fee. If the request has been refused, the deposit will be repaid.

Application to waive request fee and deposit

The requester may lodge an application with a court against the payment of the request fee and deposit if the requester believes that the request fee or deposit is not required.

Postage

The actual postage is payable when a copy of a record must be posted to a requester.

APPLICABLE FORMS:

REQUEST FOR ACCESS TO RECORD (Regulation 7)

[InfoRegSA-PAIA-Form02-Reg7.pdf \(inforegulator.org.za\)](http://infoRegSA-PAIA-Form02-Reg7.pdf)

OUTCOME OF REQUEST AND FEES PAYABLE (Regulation 8)

[Form-3-PAIA.pdf \(inforegulator.org.za\)](http://Form-3-PAIA.pdf)